

Remarks/Arguments

Reconsideration of this application, as amended, is respectfully requested.

Paragraphs 12 and 24 of the specification have been amended to correct obvious typographical errors.

Claims 1 and 10 through 21 are pending in this application. Claims 2 through 9, and 11 through 22 have been cancelled.

Claims 1, 3, 4, 6-9, 11, 12, 14, and 17-22 are under a rejection based on 35 U.S.C. 102(b) as being anticipated by EP 1 029 441. As now presented, claim 1 incorporates the subject matter of cancelled claims 2 through 9, and is thought to define patentably over EP 1 029 441.

Specifically, as now presented, claim 1, among other structure requires the second overshoot rotor to be approximately equal in width to the width of the crop take-up arrangement and to include opposite outer end sections defined by transverse conveying arrangements, and for the first overshoot rotor to be a cutting rotor that includes axially spaced plates that cooperate with cutting knives of a cutting knife assembly so as to cut crop into short lengths.

EP 1 029 441 discloses a grape vine baler which includes a series of three overshoot rotors 17, 18 and 21, with the rotor 21 being a first rotor located at the entrance to a baling chamber defined by a circular arrangement of rolls 23. The rotor 18 is a second rotor located immediately in front of the rotor 21, and the rotor 17 is a vine gathering rotor located directly in front of the rotor 18. Located above the overshoot rotors 17 and 18 are undershot rotors 19 and 20, with the rotor 19 being located ahead of the rotor 20. A lower guide member 152 is defined by a flat, transversely extending sheet that contains slots or openings through which the respective plate-like driving parts of the undershot rotors 17, 18, and 21 pass during rotation. Similarly, an upper guide member 153, which is in the form of a flat sheet disposed parallel to the lower guide member 152, contains slots or openings through which the respective plate-like driving parts of the overshoot rotors 19 and 20 pass during rotation. All of the rotors, except for the rotor 21, and the guide members 152 and 153 extend between, and are mounted to opposite side walls 15 of a frame 12 that is mounted for pivoting vertically about the axis 100 of the rotor 21, which is mounted for rotation in opposite side walls 10 of the baling chamber. A hydraulic

actuator 9 is coupled between a frame member 11, that is joined to, and projects forwardly from, the top of side walls 10, and the frame 12, the actuator 9 serving to selectively move the gathering rotor 17 vertically between raised transport and lowered working positions. From viewing FIG. 3, it will be appreciated that the gathering rotor 17 is wider than either of the following rotors 18 and 21 (note that slots 117 for passage of flat plates of rotor 17 extend over a wider expanse than do the openings 118 provided for permitting passage of the flat plates of the rotor 18) and that converging panels 16 are provided at the opposite sides of the frame 12 for narrowing the flow of vines after they are picked up by the rotors 17. It is clear then that EP 1 029 441 does not teach:

- 1) a second rotor having a width approximately equal to that of the crop take-up arrangement,
- 2) a first rotor having a width less than the width of the crop take-up arrangement,
- 3) a first rotor configured as a cutting rotor and cooperating with a knife assembly, and
- 4) a second rotor having opposite outer end sections defined by transverse conveyors.

Regarding item 3 above, this limitation was formerly in original claim 2 which the examiner rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1 029 441 in view of US 2002/0011061, which the examiner relies on for a teaching of using a cutting rotor in the vicinity of the entrance to a baling chamber. However, even if such a teaching would have been obvious, there is no teaching in the latter reference of the structure defined in items 1, 2 and 4.

Thus, in view of the above, claim 1 is thought allowable over EP 1 029 441 taken alone or together with US 2002/0011061. Claims 17-21 depend either directly or indirectly from claim 1 and are likewise thought allowable.

Claim 17 is thought allowable for the additional reason that it requires the guide arrangement to be spaced above the second overshoot rotor and EP '441 does not have such a guide arrangement.

Claim 18 is thought allowable for the additional reason that it requires the guide arrangement to be mounted for resilient yieldable movement away from the second overshoot rotor, and no such mounting is present in EP '441.

Claim 19 depends from claim 18 and is likewise thought allowable. Claim 19 is thought allowable for the additional reason that it requires the guide arrangement to be one of a flap roll and conveyor belt and no such structure, which is yieldably mounted is present in EP '441.

Claim 20/1 is thought allowable for the additional reason that it requires the second overshoot rotor to be mounted for movement relative to the crop take-up arrangement and the first overshoot rotor in a direction transverse to the stream of crop delivered to the second rotor by the crop take-up arrangement., and the second overshoot conveyor of EP '441 is not mounted for movement relative to the crop take-up arrangement and the first rotor.

Claims 10, 13, 15 and 16 are under a rejection based on 35 U.S. C. 103(a) as being unpatentable over EP 1 029 441 in view of U.S. Patent no. 5,819,516 to Anderson et al. It is respectfully submitted that this rejection is in error.

Specifically, Anderson et al. disclose a large round baler 10 equipped with a crop pick-up or take-up arrangement 18 that delivers crop rearwardly to an undershot rotor having a width commensurate with that of the take-up arrangement 18 and including opposite end sections defined by transverse conveyors 42, in the form of screws. Positioned for receiving crop directly from the crop take-up arrangement and from the undershot rotor 42,42 is an overshoot stuffing rotor 20 (see FIGS. 5 and 6 of U.S. Patent 6,029,434 cited at the bottom of column 4 of the '516 patent) having a width smaller than either that of the take-up arrangement 18 or the undershot rotor 42,42.

Claim 10 depends from 1 and adds the limitation that the transverse conveyors be one of a screw conveyor or a helical bridge. Even assuming that it would have been obvious to have replaced the second rotor of the EP '441 patent by the transverse conveyors of Anderson et al. the claimed structure would not result since the transverse conveyors of Anderson et al. are undershot and the second overshoot rotor 18 is not equal in width to the gathering rotor 17. Further, with the presence of the guide member 152, it is not seen how the side conveyors of Anderson et al. would be operative. Additionally, EP '441 already has crop converging members 16 provided for merging the crop delivered by the crop gathering rotor 17. But these converging members 16 are provided at opposite ends of the undershot rotor 19, which the same width as the rotor 17 and is the most likely

rotor to be modified in view of Anderson et al. in order to provide augers for merging crop flow in lieu of the members 16. Such a modification would not meet the terms of the claims requiring the second overshoot rotor to be the one that includes the transverse conveyors. Therefore, claim 10 is thought allowable over the combination of EP '441 and Anderson et al.

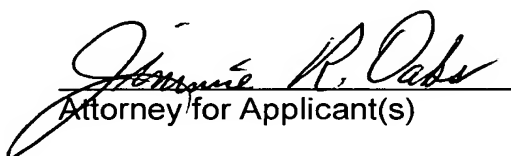
Claims 11-15 depend either directly or indirectly from claim 10 and are likewise thought allowable.

Claim 16 depends from claim 1 and adds the requirement that the second rotor consist only of the outer end sections. Claim 16 is thought allowable since it is not seen what benefit would accrue from making the second rotor so as to be defined only by outer end sections as claimed. Thus, it is not seen how such a modification would have been obvious to one skilled in the art at the time of the invention.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

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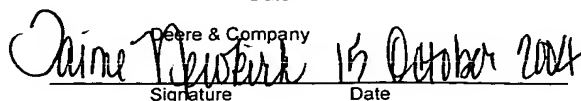
Respectfully,

  
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